

REMARKS

Claims 1-49, 55, 57-61, 64-68, 73 and 77-84 are pending. By this Amendment, claim 84 is added.

Applicants appreciate the courtesies extended by Examiner Boehler to Applicants' representative during a personal interview conducted on October 25, 2001. During the personal interview, it was agreed that the Amendment filed on September 24, 2001 overcomes the prior art rejection of claims 59-61 based on Hirose.

During the interview Applicants' representative took the position that none of the claims positively recite a rider, and that the rejection under 35 U.S.C. §101 is improper since Applicants are not claiming a human. In particular, claim 1 specifies a straddle seat that is dimensioned to support a standard rider. Claim 1 does not require the standard rider, only a seat that is dimensioned to support one. Therefore, a standard rider is not required to infringe claim 1.

New claim 84 even more clearly shows that Applicants are not claiming a rider. In claim 84, the seat is dimensioned to support a standard load. There is no question that Applicants are not claiming a human being and that the rejection under 35 U.S.C. §101 is improper.

Further, the snowmobile is defined in terms of a seat, a footrest and a steering device that are dimensioned and positioned with respect to one another so that a particular result is accomplished. In claim 84, the result is that the snowmobile has a first center of gravity without the load and a second center of gravity when the load is in the standard riding position, with the first and second centers of gravity being spaced a distance of between 0-14 cm. In claim 84, the "so that" phrase is part of the definition of how the seat, footrest and steering device are dimensioned and oriented with respect to one another. *See Laitram Corp. v. Cambridge Wire Cloth Co.*, 863 F.2d 855, 858 (Fed. Cir. 1988) (defining a phrase beginning with the term "so that" as a definitional parameter").

In a similar vein, claim 40 specifies a snowmobile in which a steering device is disposed on the frame and spaced forward of the seat such that a certain effect results. In the case of claim 40, that effect is that the rider can grasp the steering device in the standard position and that the rider's torso is tilted toward the steering device and the rider's arms extend toward the steering device with the rider's elbows substantially over the knees – this is all part of the definitional phrase of the steering device in its cooperative relationship with the

frame and seat. The dimensioning and positioning of the steering device with respect to the frame and seat is what Applicants are claiming, i.e., a snowmobile, not the particular position of the rider.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned "Version with markings to show changes made".

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Pillsbury Winthrop LLP

By: 

Paul T. Bowen

Registration No.: 38,009

Tel. No.: (703) 905-2020

Fax No.: (703) 905-2500

PTB/jck

Enclosure:

Appendix

1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000

RECEIVED
OCT 30 2001

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 84 has been added.